1951.

File No. Karnataka Univs II/51 (R)

Legal **DEPARTMENT**

B **BRANCH**

Subject:— Rules under the Karnataka University Act, 1949

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Karnataka Univs II/51(R)

File No.

Std. Scott. Slip 24-B

417-B

KARNATAK UNIVERSITY.

1) The Karnatak University's plea as the co-defendant in the suit filed by the Bombay University before the High Court. (Regarding endowments funds for Matriculation)

The members of the Committee were informed that the plea of the Karnatak University has already been communicated to the Government Solicitors and that it is identical with that of the Government and other Universities.

2) Consideration of the following points consequent on the operation of the First Statutes, so far as they relate to the Constitution of the Faculties and Boards of Studies:

(i) The splitting up of the Arts Faculty into (i) Arts Faculty, and (ii) Social Sciences Faculty, should be taken up after the Boards of Studies under the First Statutes are reconstituted.

RESOLVED that it be recommended to the Syndicate that the esuggestion be accepted.

(ii) It is to be determined if the present Economics Board which covers subjects like Sociology and Politics should be dissolved, and Principals of affiliated colleges be requested to reassign and regroup teachers under (a) Economics and (b) Sociology Boards, and fresh elections be held.

RESOLVED that it be recommended to the Syndicate that the esuggestion be accepted.

(iii) Under the First Statutes, some languages have been added to the Boards constituted under the Provisional Statutes e.g., Urdu has been added to 'Persian and Arabic' and Hindi has been added to 'Marathi'; the Boards as formed under the Provisional Statutes, require to be dissolved, a fresh assignment of teachers be made by the Principals and the Boards be reformed, after an election. It may also be noted that the strength of the Marathi Board has been increased from 3 to 4.

RESOLVED that it be recommended to the Syndicate that if the the scope of a Board is increased by the addition of a new subject, the Board should be dissolved; if the subjects going under a Board are split into two groups under two new Boards, the original Board should be dissolved. The Principals of Colleges be requested to reassign and regroup teachers as voters under the new Boards and fresh elections be held.

(iv) In the case of the following Boards, there is an increase in the number of elected members; this will mean holding fresh elections:-

English - increased from 3 to 4.
Zoology - increased from 3 to 5.

RESOLVED that it be recommended to the Syndicate that the new vacancy be filled by election.

(v) In the case of the following Boards, there is a decrea-se in the number of elected members:-

(a) History - Reduced from 6 to 3.

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(b) Geography - Reduced from 5 to 3.
(c) Engineering - Reduced from 5 to 3.

It should be noted that at present there are 3 members in the History Board and 3 members in the Geography Board. But in the case of Engineering there are 4 members elected under the Provisional Statutes. It has to be determined whether this Board has to be dissolved and an election of 3 members be held.

RESOLVED that if the present number if is larger than the number prescribed under the First Statutes, the Board should be dissolved and fresh elections held.

(vi) The Facultywise representation of the Academic Council on the Syndicate under First Statutes is different.

RESOLVED that the representation on the Syndicate of the Academic Council having to be facultywise, the present representa-tives of the Arts and Law Faculties will vacate their seats on the Syndicate and fresh elections held.

(vii) The Arts Faculty constituted under Provisional Statutes be split into (1) Arts and (2) Social Science Faculties the tenure of office of the Dean of the present Arts Faculty would terminate and two Deans for the new Arts and Social Sciences Faculties will have to be elected. These Deans will be ex-officio members of the Senate and Academic Council.

RESOLVED that it be recommended to the Syndicate that the suggestion be accepted.

(viii) The Statutes providing for the time of the election of Deans may have to be changed to March instead of in August. (Convocation).

RESOLVED that the discussion be postponed.

3) Donation of Rs. 1,000/- to the Kannada Sahitya Parishat.

RESOLVED that the donation is permissible under Section 4 clause (xxvi).

4) Changes in the Act and changes in the Statutes.

Resolved that the consideration of the item be postponed.

5) The procedure for the election of the Vice-Chancellor.

RESOLVED that the word 'majority' in Section 10 (4) be ignored.

6) The question of precedence regarding the Director of Public Instruction or his substitute.

RESOLVED that information from Gujarat, Poona, Boarda Universities be obtained and the item be resubmitted.

Dharwar:
10-3-1951.

REGISTRAR.

I. Whether the present Board of Studies in Economic and other groups of subjects can be dissilved and two new Boards of studies namely, in (1) Economic and (2) Sociology, can be constituted.

The answer is in the negative.

Under section 24(1) of the Act there shall be a Board of Studies for every subject or group of subject as may be prescribed by the Statutes. Under provisional Statute 79 there is created a Board of Studies in Economics and other subjects specified therein grouped together. Such Board is to consist of, in addition to the Heads of University Departments, five teachers elected by teachers in the subject or subjects for which the Board is constituted from amongst themselves (vide sec. 24(2)(ii)). Under sec. 24(4) the term of office of elected members shall be three years. Under provisional Statute 80, the Registrar is to prepare, at least 35 clear days before the date of election, separate rolls of teachers according to the various groups of subjects forming Boards of Studies. In the case under consideration, a separate roll of teachers in subjects falling under the Board of Economic must have been prepared. And these electors on such a roll must have elected 5 teachers on the Board of Economies including Sociology. Such members once elected are to continue in office as statutorily provided in sec. 24(4) for three years. Even though Statute 100 of the First Statutes has now divided the Board of Economics into two Boards, namely, a Board of Economics and a Board of Sociology, having 5 and 3 elected teachers respectively as members thereon, instead of 5 on the existing Board of Economics, the existing five members cannot be made to vacate their office before the expiry of the statutory period of

3 years (vide R.L.A.'s opinions No. 5518 dated 18th March 1949 and 8529 dated 21st June 1950). Statute 100 of the First Statutes would being to operate in respect of the next election of member on the Boards of Studies as constituted under that Statute. No new election can be held before such period.

II. The same opinion would be applicable to the Board of Studies in Hindi and Urdu constituted under the provisional Statute 79. The constitution of new Boards consequent on the addition of Urdu to "Persian and Arabic", and of Hindi to "Marathi", cannot legally be effected for the reasons given above.

III. Even where the number of elected teachers on a Board of Studies has been increased by one or two, no new election - even of additional members - can be held. Under sec. 24(4) each elected member is to hold office for three years and under sec. 58 when any vacancy occurs in the office of a member of any authority of the University (a Board of Study being an authority under sec. 14(vi), before the expiry of the term of office of such member, the vacancy shall be filled up by the election of a member who shall hold office so long as the member in whose place he has been elected would have held it if the vacancy had not ocurred. In the case of newly added members on a Board of Study once he is elected he is to continue for 3 years. The scheme of the Act is that all elected and co-opted members on all Boards of Study should vacate their seats simultaneously so that fresh elections of all elected members can be made. It is not , therefore, legally feasible to dissolve the present Boards of Studies to elect a member or members in the newly added seat or seats.

IV. . . .

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IV. When the number of elected member on a Board ~~is~~ of Study is decreased, the existing Board cannot be dissolved for the reasons given in para. I above.

V. Statute 66 of the First Statutes provides for 5 representatives on the Syndicate by the Academic Council on Facultywise basis specified thereunder. This representation is different from the one provided in provisional Statute 77. It is, therefore, proposed to ask the present representatives on the Syndicate to vacate their seats so that new representatives would come in on new basis. Sec. 18(2) provides that the term of office of the elected members on the Syndicate shall be five years. The present members on the Syndicate elected by the Academic Council having acquired vested right to remain in office for five years it cannot be taken away only because new basis of representation has been introduced.

VI. It does not appear to be the intention to split up the Faculty of Arts into (i) Arts Faculty and (ii) Social Sciences Faculty immediately. It is stated that the question will be taken up after the Boards of Studies under the First Statutes are reconstituted. The view taken in para (vii) of the Legal Advisory Committee's note is correct.

RJP
14/3

RLA
A copy of this note may kindly
be sent to Shri Jahagirdar also it should
be added that this note has been approved
unanimously in his present meeting
D- 15/3

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